

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

PORTLAND PILOTS, INC.

v.

M/V NOVA STAR
her engines, tackle, equipment, appurtenances, etc.,
in rem

2:15-CV-00442-DBH

Defendant

WORLD FUEL SERVICES, INC.
d/b/a TRANS-TEC

Intervening Plaintiff,

v.

M/V NOVA STAR
her engines, tackle, equipment, appurtenances, etc.,
in rem

and

NOVA STAR CRUISES, LTD.
in personam,

Defendants

VERIFIED CLAIM OF CITY OF PORTLAND
PURSUANT TO FEDERAL RULE OF CIV. PROC. C(6)(a)

Now comes the City of Portland and, pursuant to Fed. Rule of Civ. Proc. C(6)(a), makes this Verified Claim against the vessel *M/V Nova Star*, her engines, tackle, equipment, appurtenances:

- 1) On or about June 1, 2015, the bareboat charterer of the *M/V Nova Star*, Nova Star Cruises, Ltd., a Canadian corporation, and the City of Portland, a Maine municipal corporation and a body politic, entered into an Amended and Restated Lease By and Between City of Portland and Nova Star Cruises Limited Re: Ocean Gateway (the “Lease”).
- 2) The Lease was for the use and benefit of the charterer and the *M/V Nova Star*, to land at and use the facilities of the City of Portland’s municipal pier complex, hereinafter referred to as “Ocean Gateway,” located in the harbor of Portland, Maine.
- 3) Pursuant to the Lease, the City of Portland made available for the use and benefit of the *M/V Nova Star* Portland’s Ocean Gateway berth and facilities, and the *M/V Nova Star* utilized the Ocean Gateway to operate the ferry service between Portland, Maine and Yarmouth, Nova Scotia, including the months of September 2015 through October of 2015.
- 4) The charterer and the *M/V Nova Star* have failed to pay for the berthing and related uses at the Ocean Gateway facility for the months of September through October of 2015, and currently owe the City of Portland \$85,029.75 for such uses, consisting of \$66,285.75 in overdue Lease payments, and \$18,744 in accrued but unpaid Lease payments payable on November 15, 2015.
- 5) The use of the berthing and related facilities at the Ocean Gateway are “necessaries” within the meaning of the Maritime Lien Act, 46 U.S.C. § 31342, and give rise to a maritime lien against the *M/V Nova Star*, which lien has priority over any foreign preferred ship mortgage under 46 U.S.C. § 31326(b)(2), and the City of Portland claims a maritime lien against the *M/V Nova Star* in the amount of \$85,029.75.

City of Portland

Dated: 11/9/2015

by: John P. Jennings
Its: City Manager

Verification

Personally appeared John P. Jennings, City Manager of the City of Portland, and before me gave oath that the facts set forth in the foregoing Verified Claim are accurate and correct.

Dated: 11/9/2015

/s/ Michael Goldman
Attorney-at-law, Bar No. 9842
Printed name: Michael Goldman

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below I electronically filed the above Notice of Appearance and Request for Service with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties listed on the electronic service list within the CM/ECF system. A copy of this filing, complete with this certificate of service was served by mail upon all parties with such service being complete on the date indicated below.

Dated at Portland, Maine this 9th day of November, 2015.

/s/ U. Charles Remmel, II
U. Charles Remmel, II
Attorney for the City of Portland
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